

**Shaykh Sulaymān ibn Nāsir al-'Alwān (حفظه الله) was asked:
There's a person who had sexual intercourse during the day of
Ramadān, what is the ruling upon him? And what must he do?**

The Shaykh (حفظه الله) responded by saying: Sexual Intercourse during the day of Ramadān is among the transgressions against the sanctity of Allāh (سبحانه وتعالى) and it is Harām by the Qur'ān, Sunnāh and Ijmā'.

And the person who had intercourse must pay a Kafārah [Expiation], which is to free a Slave, if he's not able to do so, then he must fast 2 months in a row, if he's not able to do so, then he must feed 60 poor people, and the proof for this is what Imām al-Bukhārī (1936) and Imām Muslim (1111) narrated from the chain of al-Zuhrī (رحمه الله), he said: I was informed by Humayd ibn 'Abdūl Rahmān (رحمه الله) that Abā Hurayrah (رضي الله عنه) said:

"While we were sitting with the Prophet (صلى الله عليه وسلم) a man came to him and said O Messenger of Allāh (صلى الله عليه وسلم), I am ruined, he (صلى الله عليه وسلم) said "Why are you ruined", he said "I have had intercourse with my wife while I was fasting", so the Messenger of Allāh (صلى الله عليه وسلم) said: "Do you have a slave to set free", he said No. He (صلى الله عليه وسلم) said: "Then are you able to fast two months in a row", he said No. So he (صلى الله عليه وسلم) said "Do you have enough to feed 60 poor people", he said no - The Prophet (صلى الله عليه وسلم) stayed silent and while we were in that state, a big basket full of dates was brought to the Prophet (صلى الله عليه وسلم). He (صلى الله عليه وسلم) asked, "Where is the questioner?" he replied, "I [am here]." The Prophet (صلى الله عليه وسلم) said to him "Take this [basket of dates] and give it in Sadaqāh." The man said, "Should I give it to a person poorer than me? By Allah, there is no family between its two mountains [of Madīnah] who are poorer than me." The Prophet (صلى الله عليه وسلم) smiled till his premolar teeth became visible and then said, 'Feed your family with it.'

And this is the ruling regarding the person who knows and did so intentionally according to the correct view among the sayings of the Scholars.

Because the one who is Forgetful and Ignorant of the ruling, and the coerced, do not have to make up a day nor pay the Kafārah [Expiation], since Allāh (سبحانه وتعالى) has raised the blame off this Ummāh and has forgiven mistake & forgetfulness, Allāh (سبحانه وتعالى) says: {Our Lord, do not hold us accountable if we forget or make mistakes} and in Sahīh Muslim (126) on the authority of 'Abdullāh ibn 'Abbās (رضي الله عنهما) from the Prophet (صلى الله عليه وسلم) that he said: Allāh (سبحانه وتعالى) said "I have already done so" [i.e. Forgiven the mistakes of this Ummāh]

And this is the Madhab of Abī Hanīfah (رحمه الله) and al-Shāfi'ī (رحمه الله) regarding the forgetful one, and Ishāq (رحمه الله) & Ahmad (رحمه الله) in a Narration said the Forgetful and Ignorant one is excused, and this was chosen by Shaykh al-Islām ibn Taymiyyāh (رحمه الله) and ibn al-Qayyīm (رحمه الله).

Mālik (رحمه الله), Layth ibn Sa'd (رحمه الله) and a group of Scholars have said, he must make up that day without paying the Kafārah [Expiation], and Ahmad ibn Hanbal (رحمه الله) in what's most popular in his Madhab said, he must make up that day and pay the Kafārah [Expiation], whether he had sexual intercourse in the state of Forgetfulness or Ignorance [of the ruling], and this was chosen by Ahlāl Dhāhir [The Dhāhiriyyāh].

And this is disputable, because sexual intercourse is on the same level as food and drink, and the Prophet (صلى الله عليه وسلم) said: "Whoever forgets that he is Fasting, so he ate or drank, let him continue his fast, because it is Allāh (جل وعلا) who has fed him and given him drink"

narrated by al-Bukhārī(1933) and Muslim(1155) from the chain of Hishām(رحمه الله) from Muḥammād ibn Sīrīn(رحمه الله) from Abī Hurayrah(رضي الله عنه).

And 'Abdūl Razzāq(رحمه الله) has narrated in al-Musannāf(7375) with an authentic chain from Mujaḥid(رحمه الله) that he said: "If a man had sexual intercourse with his wife while he was fasting in a state of forgetfulness during Ramadān, there is nothing upon him" and al-Bukhārī(رحمه الله) also narrated it in his Saḥīḥ Mu'allāqan [as a Hanging Narration].

And 'Abdūl Razzāq(رحمه الله) narrated in al-Musannāf(7377) from al-Thawrī(رحمه الله) from a man from al-Hassan(رحمه الله) that he said: "It is on the same level as eating and drinking in the state of forgetfulness". And al-Bukhārī(رحمه الله) has Hanged it in his Saḥīḥ.

And Allāh(سبحانه وتعالى) knows best.